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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,743	02/12/2002	Scott Brenner	ATTB 0107 PUS	1522
22045	7590	11/15/2007		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER SHANG, ANNAN Q	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/074,743

Applicant(s)

BRENNER ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/12/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Miscellaneous*

1. Please note that the Examiner of record for prosecution of this application has changed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 10-18 and 21-48 are rejected under 35 U.S.C. 102(e) as being anticipated by **Yeo et al (6,219,837)**.

As to claim 1, note the **Yeo** reference figures 1-4, discloses summary frames in video and further discloses in a system for broadcasting video programs to a user including a display, a system for providing program information to the user comprising:

In input device for use in generating an input signal representing a request for summary information concerning a video program, the program having a beginning and the input signal being generated at a time during a broadcast of the program (figs.1-4, col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+).

A controller (fig.4 and 5) for receiving the input signal and, in response thereto, providing via the display a summary of the program from the program beginning to the input signal time if the program was not tuned to prior receipt of the input signal (col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+, line 28-col.5, line 1+ and col.6, line 52-col.7, line 1+).

As to claim 2, Yeo further discloses where the controller is further for transmitting a control signal to a remote site in response to receipt of the input signal, and for receiving the summary in response to transmission of the control signal (col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+).

As to claim 3, Yeo further discloses where the controller is operative to receive the summary from the remote site (col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+).

As to claim 4, Yeo further discloses where the controller is operative to receive the summary from a site other than the remote site (col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+).

As to claim 5, Yeo further discloses where the summary comprises video content (col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+).

As to claim 6, Yeo further discloses where the summary comprises audio content (col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+).

As to claim 7, Yeo further discloses where the video content is provided on a portion of the display separate from a portion of the display used to provide the program (col.1, line 47-col.2, line 27 and col.3, line 6, col.4, line 1+).

As to claim 10, Yeo further discloses where a storage medium for use in storing the summary (col.2, lines 17-27 and col.3, lines 6-12).

As to claims 11-12, the claimed "In a system for broadcasting video programs to a user including a display, a method for providing program..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 13 is met as previously discussed with respect to claim 2.

Claim 14 is met as previously discussed with respect to claim 3.

Claim 15 is met as previously discussed with respect to claim 4.

Claim 16 is met as previously discussed with respect to claim 5.

Claim 17 is met as previously discussed with respect to claim 6.

Claim 18 is met as previously discussed with respect to claim 7.

Claim 21 is met as previously discussed with respect to claim 10.

As to claim 22, Yeo further discloses in a system for broadcasting video programs to a user including a display, a system for providing a copy of at least a portion of the program to the user comprising:

A controller for monitoring a period of time during which the display is tuned to a broadcast of a video program, the period starting during the broadcast of the program, and for use in providing via the display a copy of at least a portion of the program when the period exceeds a predetermined threshold time; and a storage medium for use in storing the copy of at least a portion of the program (col.1, line 47-col.2, line 27, col.3, line 6, col.4, line 1+, col.4, line 63-col.5, line 13 and line 66-col.6, line 1+).

As to claim 23, Yeo further discloses where the controller is further for communicating with a remote site to request a copy of at least a portion of the program when the period exceeds the predetermined threshold time, and for receiving the copy of at least a portion of the program (col.1, line 47-col.2, line 27, col.3, line 6, col.4, line 1+ and col.4, line 63-col.5, line 13).

Claim 24 is met as previously discussed with respect to claim 3.

Claim 14 is met as previously discussed with respect to claim 4.

As to claim 26, Yeo further discloses where the copy of at least a portion of the program comprises a complete copy of the program (col.3, line 59-col.4, line 11, line 27-col.5, line 1+).

Claim 27 is met as previously discussed with respect to claim 1.

As to claim 28, Yeo further discloses an input device, wherein the controller is further for requesting, and the input device is for use in generating, an indication whether to continue receiving the copy of at least a portion of the program when the display is tuned to a broadcast of another video program before receipt of the copy of at least a portion of the program has been completed (col.1, line 47-col.2, line 27, col.3, line 6, col.4, line 1+ and col.4, line 63-col.5, line 13).

As to claim 29, Yeo further discloses where an input device, wherein the controller is further for requesting, and the input device is for use in generating, an indication whether a copy of at least a portion of the program is desired when the period exceeds a predetermined threshold time, and the controller is further for communicating with a remote site to request a copy of at least a portion of the program upon a receipt

of an indication that a copy of at least a portion of the program is desired (col.1, line 47-  
col.2, line 27, col.3, line 6, col.4, line 1+ and col.4, line 63-col.5, line 13)

Claim 30 is met as previously discussed with respect to claim 3.

Claim 31 is met as previously discussed with respect to claim 4.

Claim 32 is met as previously discussed with respect to claim 26.

Claim 33 is met as previously discussed with respect to claim 1.

Claim 34 is met as previously discussed with respect to claim 1.

As to claim 35, the claimed "In a system for broadcasting video programs to a user including a display, a method for providing program..." is composed of the same structural elements that were discussed with respect to the rejection of claim 22.

Claim 36 is met as previously discussed with respect to claim 23.

Claim 37 is met as previously discussed with respect to claim 23.

Claim 38 is met as previously discussed with respect to claim 3.

Claim 39 is met as previously discussed with respect to claim 4.

Claim 40 is met as previously discussed with respect to claim 26.

Claim 41 is met as previously discussed with respect to claim 1.

Claim 42 is met as previously discussed with respect to claim 28.

Claim 43 is met as previously discussed with respect to claims 22-23.

Claim 44 is met as previously discussed with respect to claim 3.

Claim 45 is met as previously discussed with respect to claim 4.

Claim 46 is met as previously discussed with respect to claim 26.

Claim 47 is met as previously discussed with respect to claim 1.

Claim 48 is met as previously discussed with respect to claim 28.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo et al (6,219,837) as discussed above with respect to claims 5, 1, 16 and 11 respectively, and further in view of Lawler et al (6,868,551).

As to claims 8, 9, 19 and 20, Yeo fails to explicitly teach where the video content comprises text and the summary comprises text embedded in the program, the text to provided by the controller via the display only after receipt of the input signal by the controller.

However, note the Lawler reference discloses an interactive program summary where the video content comprises text and the summary comprises text embedded in the program, the text to provided by the controller via the display only after receipt of the input signal by the controller (abstract, figures 1-5, col.2, line 17-col.3, line 14, col.5, line 61-col.6, line 39 and col.9, line 56-col.10, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lawler into the system of Yeo to provide additional information relating to the video to aid the user to quickly understand the



content of the video and furthermore to assist the hearing impair to understand the video content.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection discussed above. This office action is non-final.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagasaka et al (5,974,218) disclose method and apparatus for making a digest picture.

Yeo (6,711,741) discloses random access video playback system on a network.

Jerding et al (6,832,386) disclose system and method for allowing a user to quickly navigate within a program guide to established reference point.

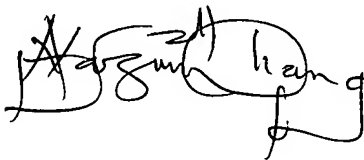
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

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number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

**Annan Q. Shang**